IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15457 of 2004

Between:

1. P.Nagabhushanam Reddy, S/o P.Subba Reddy, aged 55 years,

OCC: Cultivation, R/o Ayyanagaripalli Village, Pattiputtur Post,

Vadamalapeta Post & Mandal, Chittoor District.

2. Mallam Gopal Reddy

3. Durgam Rangaiah

4. Kayam Muni Narayana Reddy

5. Narra Subramanyam Naidu

6. Chendili Sadasivaiah

7. Padamara Papamma

8. Chokka Balaji Reddy

... PETITIONERS

AND

1. The District Collector, Chittoor District at Chittoor.
2. The Revenue Divisional Officer, Tirupati Revenue Division, Tirupati, Chittoor District.
3. The Mandal Revenue Officer, Vadamalapeta Mandal, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a Writ in the nature of Mandamus, declaring the action of the respondents in trying to dispossess the petitioner from their respective extents of agricultural lands in S.No.191 of Kayam Village Revenue accounts, Vadamalpet Mandal, Chittoor District, without following the due procedure of law, and without even putting them on notice, as being illegal, arbitrary and violative of principles of natural justice and fair play besides violative of Article 300-A of the Constitution of India, and pass such other order or orders as are deemed fit and proper.

Counsel for the Petitioner: MR.C.A.RSESHAGIRI RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following Order:

ORDER:

It is well settled that a Writ in the nature of a Mandamus cannot be issued against the contemplated action - trying to dispossess the petitioners from lands, which are said to have been in their possession. Various documents filed along with the Writ petition disclose the issuance of Pattedar Pass Book in favour of the petitioners and their possession over the property. Mere visiting of the lands by the Revenue officials cannot be presumed that the respondents will not follow the due procedure, if any. If it is found that occupation is objectionable to quell the misgivings of the petitioner, it is needless to observe that officials are under obligation to follow the due procedure even if the person who is in possession is not entitled to such possession and only after putting them on notice, eviction order can be passed.

In view of the same, the Writ Petition is accordingly disposed of.

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A. **GOPAL REDDY, J**

August 30, 2004

MRR

To:

1. The District Collector, Chittoor District at Chittoor.
2. The Revenue Divisional Officer, Tirupati Revenue Division, Tirupati, Chittoor District.
3. The Mandal Revenue Officer, Vadamalapeta Mandal, Chittoor District.
4. Two C.C. s to the G.P for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two C.D. Copies.